



MONTGOMERY COUNTY ETHICS COMMISSION

Kenita V. Barrow
Chair

Mark L. Greenblatt
Vice Chair

September 16, 2015

Waiver 15-08-013

Pursuant to § 19A-12(b)(1)(B) of the Public Ethics Law, a public employee must not be employed by a business that negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver.

Woodward R. Carter, Jr. is a Captain in the Montgomery County Fire Department, assigned to Fire Station 35. He requests a waiver of the prohibition of § 19A-12(b)(1)(B) so that he can be employed by Digging and Rigging, Incorporated, which has contracts with Montgomery County agencies, including the Montgomery County Fire and Rescue Service.

As a Fire Captain, Mr. Carter is not involved in requesting or approving contracts for work to be performed for the County. When working with Digging and Rigging, Mr. Carter would operate as a crane and truck operator on projects that are unrelated to contracts Digging and Rigging has with Montgomery County.

Pursuant to § 19A-8(b)(3) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-12(b) if the Ethics Commission concludes that the proposed employment is not likely to create an actual conflict of interest. Upon a review of the request and the Department's concurrence in and support for the waiver request, the Commission finds that there is no actual conflict of interest. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b). The waiver is conditioned on Mr. Carter not working on Montgomery County contracts for Digging and Rigging and on his not having any involvement as a County employee in any participation in contracting or negotiating with Digging and Rigging.

In reaching this decision, the Commission has relied upon the facts as presented by Mr. Carter.

For the Commission:

Kenita V. Barrow

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